

**Landowner-Specific Narrative Summary****Josh J. and Erin E. Smith, John C. Smith, Debra J. Karas, Mary B. Nardi, and the Betty C. Phillips Revocable Living Trust**

To date, ATXI has been unsuccessful in obtaining an easement from Betty C. Phillips as trustee of the Betty C. Phillips Revocable Living Trust, and from Mrs. Erin Smith, Mr. Josh Smith, Mr. John Smith, Ms. Debra Karas, and Ms. Mary Nardi. Josh and Erin Smith own two parcels at issue, totaling approximately 160 acres, along the Meredosia to Pawnee segment of the project in Sangamon County, Illinois; the parcels have been designated internally as A\_ILRP\_MP\_SA\_112 and 115. John Smith, Debra Karas, and Mary Nardi own two parcels at issue, totaling approximately 73 acres, along the Meredosia to Pawnee segment of the Project in Sangamon County, Illinois; those parcels have been designated internally as A\_ILRP\_MP\_SA\_114 and 116. The Betty Phillips Trust owns one parcel at issue, totaling approximately 117 acres, along the Meredosia to Pawnee segment of the project in Sangamon County, Illinois, designated internally as A\_ILRP\_MP\_SA\_108. Mr. Josh Smith is the son of Mr. John Smith, and the brother of Ms. Debra Karas and Ms. Mary Nardi. Mr. Josh Smith is also a farm tenant on the Trust property, and has negotiated with ATXI on behalf of the rest of the Smith family and the Trust. As summarized on ATXI Exhibit 2.1, ATXI has contacted, or attempted to contact, Mr. Smith, Ms. Phillips, or their attorney regarding acquiring an easement across the property on approximately 46 occasions, including 12 emails, 7 in-person meetings, 6 letters, and 22 phone calls.

A land agent began attempting to contact the landowners in early April 2014. The agent met with John and Josh Smith on April 1, 2014. At that meeting, the Smiths expressed concern regarding the proximity of the transmission line to grain bins on their property, and the safety of using augers to fill the grain bins with the transmission line overhead. The Smiths stated that ATXI would either need to move the grain bins or the transmission line.

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The agent met with Ms. Phillips several days later, and she stated that she wanted Mr. Smith to handle negotiations regarding her property. Since Mr. Smith was busy planting, the agent was not able to meet with Ms. Phillips and Mr. Smith until mid-June 2014. In conversations during July 2014, Mr. Smith provided the agent with estimated costs to replace the grain bins on the property.

When the agent spoke with Mr. Smith, in October 2014, the agent presented an updated offer reflecting crop yield information provided by Mr. Smith, as well as an updated appraisal and mailed the updated offer to Ms. Phillips. The parties discussed moving the line to different locations on the property to avoid the grain bins. In addition, the agent provided Mr. Smith a copy of the Agricultural Impact Mitigation Agreement. In follow-up emails, Mr. Smith stated that he would not negotiate regarding other items until the parties resolved his concern regarding interference with the grain bins.

On November 22, 2014, the agent informed Mr. Smith that Ameren engineers had reviewed the grain bins and concluded that the transmission line would have more than adequate clearance so that there would be no interference between the grain bins, the auger, and the transmission line. On December 16, 2014, the agent and his supervisor met with Mr. Smith and his father to review the location of the transmission line in relation to the grain bins. Mr. Smith stated that he did not believe he could use the grain bins due to the location of a pole. The agent proposed other solutions, and requested that Mr. Smith sketch the area showing how the equipment was typically used. Mr. Smith also requested that ATXI purchase new grain bins and locate them elsewhere on the property to resolve the issue. The parties continued to discuss the grain bin issue through January and February 2015.

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On February 26, 2015, the agent informed Mr. Smith that ATXI had agreed to relocate the pole he believed would interfere with his farm equipment by moving it closer to the road, to the East. Mr. Smith indicated that this was an improvement, although he reiterated his concern that the auger would continue to be operated under the transmission line, and might pose a safety concern. In follow-up conversations, Mr. Smith stated that he would eventually purchase a longer auger. The agent asked for the technical specifications of the longer auger. Mr. Smith asked to meet with an Ameren engineer to discuss the issues.

On May 15, 2015, the agent and an Ameren engineer met with Mr. Smith at the property to discuss the grain bins and auger. The engineer explained that the line would not interfere with the grain bins or the auger. Mr. Smith disagreed, and proposed that ATXI relocate the transmission line 400 feet south. The agent submitted a formal relocation request, which ATXI rejected due to cost. The rejection was transmitted to attorney Barry Hines on July 7, 2015, as was the rejection of the request to replace the grain bins, as ATXI had reviewed this area repeatedly and provided drawings that show the auger can be operated safely around the transmission line.

On June 9, 2015, Mr. Smith provided the agent with the cost of grain bins of the same capacity as the existing bins on the property. Mr. Smith proposed that ATXI could replace the existing bins with new bins in a different location.

On June 11, 2015, ATXI received a letter stating that attorney Mr. Barry Hines would represent Mr. and Mrs. Smith, and the Betty Phillips Trust, in negotiations with ATXI. The Smith Family and the Trust are now part of the Dowson/Thoma group and their parcels are

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included in the Dowson/Thoma group counteroffer. ATXI's response to the Dowson/Thoma group counteroffer is discussed in Section VI of my direct testimony (ATXI Exhibit 2.0).

Despite ATXI's efforts over a period of more than a year, the parties have a fundamental disagreement regarding the appropriate amount of compensation for the necessary easements.

ATXI will continue to negotiate with the Smith Family, the Trust, and the group, to the extent they are willing to engage in negotiations with ATXI. However, voluntary agreement in a time frame supportive of this line segment's in-service date is unlikely, and therefore ATXI requests eminent domain authority over these parcels.

**Agent Checklist with Landowner**

1. Landowner contacted to set up initial appointment no sooner than 14 days after the 14 day letter was sent *Office presented* ☒ CM
2. Initial appointment set for 4-8-14 met in person 4-21-14 ☒ CM
3. Activity Note entered regarding Initial Meeting, including specifics regarding landowner concerns, if any, and details of meeting ☒ CM
4. Prepare and review Acquisition documents and maps ☒ CM
5. Provide landowner with business card and show Ameren ID badge ☒ CM
6. Ask the landowner they received the 14 day letter:
  - a. Ask if the landowner read 14 days letter
  - b. Does landowner have any questions regarding letter:

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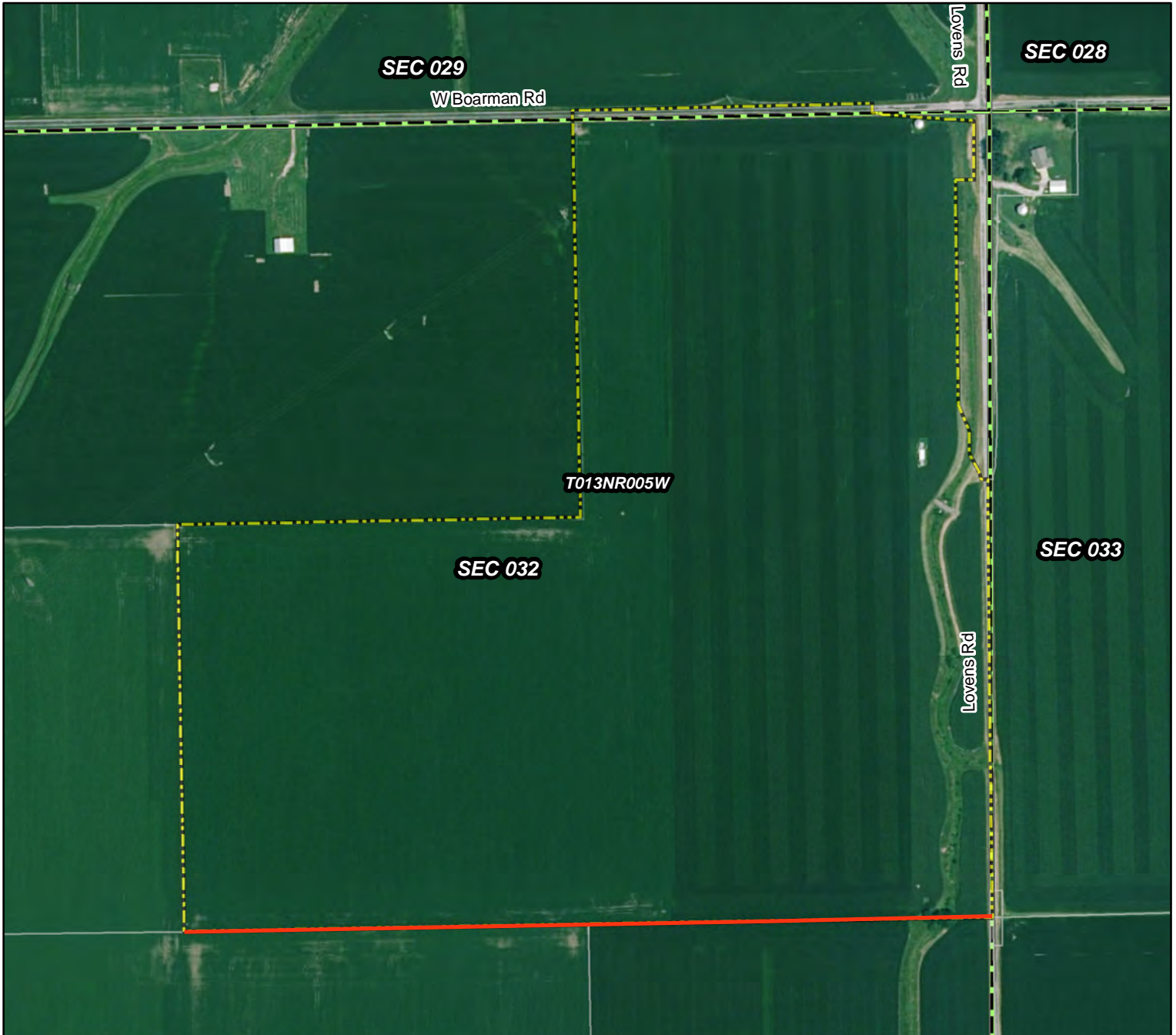
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7. Provide/explain the purpose of the project ☒ CM
8. Discuss routing and how it affects landowner: ☒ CM
  - a. Provide Fact Sheet about the project
  - b. Provide landowner copies of:
    - i. Small scale map of the project
    - ii. Sketch and description of type of facilities/structures
    - iii. Approximate location of facilities
    - iv. Option for Easement including exhibit showing length and width of the easement area
    - v. Memorandum of Option Exhibit B
9. Make compensation offer, provide calculation sheet and explain basis of offer ☒ CM
10. Discuss subordination of mortgage, if applicable ☒ CM
11. Complete Construction Questionnaire, including name of tenant, if applicable ☒ CM
12. Provide EMF brochure, if requested ☒ CM
13. Enter initial offers and counter-offers if any, into CLS Viewer. Contact tenant, as appropriate; complete tenant consent form if applicable ☒ CM
14. Agent Name (Print and Sign) Charadeh, Malen ☒ CM

# Sangamon County, IL

ATXI Exhibit 2.3 (Part V)

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Tax Id: 35320200003



**Ameren - Illinois Rivers**



Contract Land Staff, LLC  
2245 Texas Drive, Suite 200  
Sugar Land, TX 77479

*For discussion purposes only. All measurements and distances are approximations and pend final survey and engineering.*



- Routes
- Tracts
- Adjacent Tracts
- Section Boundary

0 165 330 660 990 Feet

**Betty C. Phillips Trust Revocable Living Trust Agreement dated the 4th day of October, 1994**  
Tract No.:A\_ILRP\_MP\_SA\_108

Date: 7/10/2015

EXHIBIT "A"

A 4.557 ACRE TRACT OF LAND SITUATED IN THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 13 NORTH, RANGE 5 WEST OF THE 3RD PRINCIPAL MERIDIAN, SANGAMON COUNTY, ILLINOIS AND BEING PART A TRACT OF LAND DESCRIBED IN DEED TO BETTY C. PHILLIPS, TRUSTEE UNDER THE BETTY C. PHILLIPS REVOCABLE LIVING TRUST, RECORDED IN DOCUMENT NO. 1999R45799 OF THE DEED RECORDS OF SANGAMON COUNTY, ILLINOIS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT A 5/8-INCH IRON ROD FOUND AT THE SOUTHEAST CORNER OF SAID NORTHEAST 1/4, SAID POINT OF BEGINNING HAVING GRID COORDINATES OF N:1043462.08, E:2438150.35;

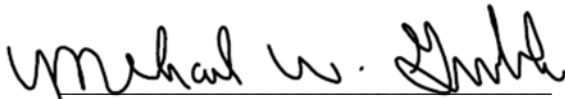
**THENCE** SOUTH 88 DEGREES 59 MINUTES 38 SECONDS WEST, ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 2,646.92 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST 1/4, FROM WHICH A 5/8-INCH IRON ROD FOUND AT THE WEST 1/4 CORNER OF SAID SECTION 32 BEARS SOUTH 88 DEGREES 59 MINUTES 38 SECONDS WEST, A DISTANCE OF 2,661.26 FEET;

**THENCE** NORTH 00 DEGREES 56 MINUTES 16 SECONDS WEST, ALONG THE WEST LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 75.00 FEET TO A POINT FOR CORNER;

**THENCE** NORTH 88 DEGREES 59 MINUTES 38 SECONDS EAST, LEAVING SAID WEST LINE, A DISTANCE OF 2,646.43 FEET TO A POINT FOR CORNER IN THE EAST LINE OF SAID NORTHEAST 1/4;

**THENCE** SOUTH 01 DEGREES 18 MINUTES 44 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 75.00 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 198,500 SQUARE FEET OR 4.557 ACRES OF LAND, MORE OR LESS.

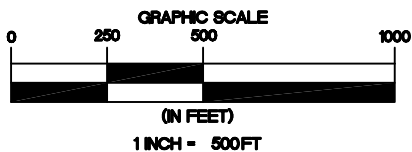
BEARING BASIS: ALL BEARINGS AND COORDINATES SHOWN HEREON ARE BASED ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM, NAD 83(2011), WEST ZONE. ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES.



MICHAEL W. GERBERICK  
PROFESSIONAL LAND SURVEYOR  
REGISTRATION NO. 035-002683  
STATE OF ILLINOIS PROFESSIONAL  
DESIGN FIRM LICENSE NO. 184.006475

DATE: 04/23/2015





# EXHIBIT "A"

ATXI Exhibit 2.3 (Part V)  
Page 8 of 19

SECTION 32  
TOWNSHIP 13N  
RANGE 5W

SHERI SMITH AND LISA OTT  
CAUSE NO. 95-P-0457  
C.R.S.C.I.  
AND  
GREGGORY T. REICHERT,  
TRUSTEE OF THE  
GREGGORY T. REICHERT  
DECLARATION OF TRUST  
DOCUMENT NO. 1999R45479  
D.R.S.C.I.  
A\_ILRP\_MP\_SA\_101  
A\_ILRP\_MP\_SA\_103

BETTY C. PHILLIPS,  
TRUSTEE UNDER THE  
BETTY C. PHILLIPS  
REVOCABLE LIVING TRUST  
DOCUMENT NO. 1999R45799  
D.R.S.C.I.  
A\_ILRP\_MP\_SA\_108

JOSH J. SMITH AND  
ERIN E. SMITH,  
HUSBAND AND WIFE  
DOCUMENT NO. 2009R01241  
D.R.S.C.I.  
A\_ILRP\_MP\_SA\_112

PROPOSED 75'  
WIDE EASEMENT  
4.557 ACRES  
(198,500 S.F.)

S88°59'38"W 2661.26'  
P.O.R. 5/8" IRON ROD  
FOUND W 1/4 COR SEC 32

LU ANN REICHERT, GREGORY T. REICHERT,  
SHERILYN J. SMITH, AND LISA K. OTT  
DOCUMENT NO. 94-38946  
D.R.S.C.I.  
AND  
THOMAS H. REICHERT FAMILY TRUST  
DOCUMENT NO. 1999R42531  
AS CORRECTED BY  
DOCUMENT NO. 1999R45830  
D.R.S.C.I.  
A\_ILRP\_MP\_SA\_104

HENRIETTA LADAGE,  
TRUSTEE OF THE  
HENRIETTA LADAGE  
REVOCABLE LIVING TRUST  
DOCUMENT NO. 9435072  
D.R.S.C.I.  
A\_ILRP\_MP\_SA\_109

P.O.B.  
GRID COORDINATES  
N:1043462.08  
E:2438150.35

PARCEL IV  
JJMD FAMILY L.P.  
DOCUMENT NO. 2013R08808  
D.R.S.C.I.  
A\_ILRP\_MP\_SA\_110

LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	S88°59'38"W	2646.92'
L2	N00°56'16"W	75.00'
L3	N88°59'38"E	2646.43'
L4	S01°18'44"E	75.00'

## LEGEND

C.R.S.C.I.	COURT RECORDS
	SANGAMON COUNTY, ILLINOIS
D.R.S.C.I.	DEED RECORDS
	SANGAMON COUNTY, ILLINOIS
P.O.B.	POINT OF BEGINNING
P.O.R.	POINT OF REFERENCE
●	5/8" IRON ROD FOUND
△	CALCULATED POINT
---	SECTION LINE
---	SUBJECT PROPERTY LINE
---	PROPERTY LINE
---	PROPOSED EASEMENT CENTERLINE
---	PROPOSED EASEMENT



MICHAEL W. GERBERICK  
PROFESSIONAL LAND SURVEYOR  
NO. 035-002683 - STATE OF ILLINOIS  
PROFESSIONAL DESIGN FIRM  
LICENSE NO. 184.006475 - STATE OF ILLINOIS

## NOTES:

1. THIS EXHIBIT DOES NOT REFLECT ANY UNDERGROUND UTILITIES, EASEMENT OF RECORD OR OTHER ENCUMBRANCES THAT MAY AFFECT THE SUBJECT TRACT.
2. REFERENCE IS MADE TO THE DESCRIPTION OF EVEN DATE ACCOMPANYING THIS SKETCH.

SHEET 02 OF 02

PROJECT: ILLINOIS RIVERS
JOB NUMBER: 32359
DATE: 04/23/2015
SCALE: 1"=500'
TRACT ID: A_ILRP_MP_SA_108
DRAWN BY: LDK



150' TRANSMISSION  
LINE EASEMENT  
MEREDOSIA TO PAWNIE  
SECTION 32, TOWNSHIP 13 NORTH, RANGE 5 WEST  
OF THE 3RD PRINCIPAL MERIDIAN  
SANGAMON COUNTY, ILLINOIS



### Agent Checklist with Landowner

1. Landowner contacted to set up initial appointment no sooner than 14 days after the 14 day letter was sent [initials]
2. Initial appointment set for 6/2/14 [initials]
3. Activity Note entered regarding Initial Meeting, including specifics regarding landowner concerns, if any, and details of meeting [initials]
4. Prepare and review Acquisition documents and maps [initials]
5. Provide landowner with business card and show Ameren ID badge [initials]
6. Ask the landowner they received the 14 day letter: [initials]
  - a. Ask if the landowner read 14 days letter
  - b. Does landowner have any questions regarding letter:

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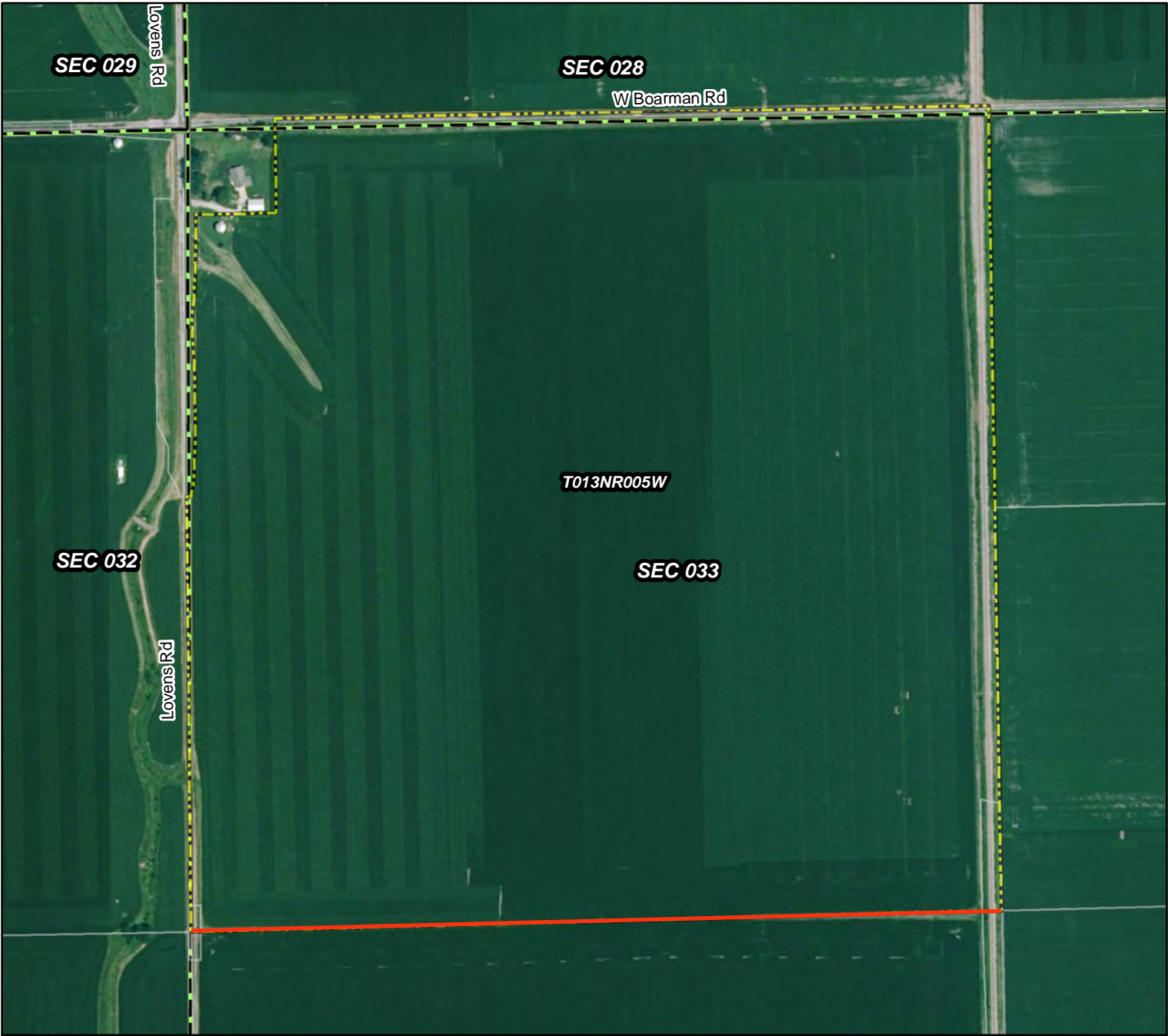


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7. Provide/explain the purpose of the project [initials]
8. Discuss routing and how it affects landowner: [initials]
  - a. Provide Fact Sheet about the project
  - b. Provide landowner copies of:
    - i. Small scale map of the project
    - ii. Sketch and description of type of facilities/structures
    - iii. Approximate location of facilities
    - iv. Option for Easement including exhibit showing length and width of the easement area
    - v. Memorandum of Option Exhibit B
9. Make compensation offer, provide calculation sheet and explain basis of offer [initials]
10. Discuss subordination of mortgage, if applicable [initials]
11. Complete Construction Questionnaire, including name of tenant, if applicable [initials]
12. Provide EMF brochure, if requested [initials]
13. Enter initial offers and counter-offers if any, into CLS Viewer. Contact tenant, as appropriate; complete tenant consent form if applicable [initials]
14. Agent Name (Print and Sign) Dan Miller [initials]

Tax Id: 35-33-0-100-004

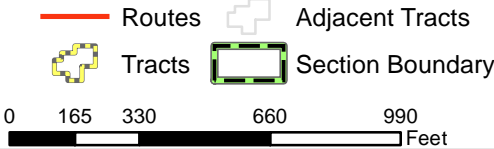


**Ameren - Illinois Rivers**



Contract Land Staff, LLC  
2245 Texas Drive, Suite 200  
Sugar Land, TX 77479

For discussion purposes only. All measurements and distances are approximations and pend final survey and engineering.



**Erin E. Smith**

Tract No.:A\_ILRP\_MP\_SA\_112

Date: 7/10/2015